

Appln No. 10/628,675

Response date July 20, 2005

Reply to Office action of April 20, 2005

REMARKS/ARGUMENTS

Claims 2-31 are now in the application. No claims have been added, cancelled or amended. Reconsideration and reexamination of the above identified patent application is hereby requested.

The Examiner has rejected Claims 2-18, 20-26 and 28-31 under 35 U.S.C. §103(a) as being unpatentable over Lewis et al. (US 6,601,209) ("Lewis") in view of Edson (US 6,526,581) ("Edson"). The Examiner claims on page 3 of the Office Action that it would be obvious to one skilled in the art to combine the teachings of Lewis and Edson by modifying the local wireless data communication interface of Edson's gateway 13 to include Lewis' transmitter/receiver for transmitting/receiving data packets over wireless internet communication channels. The Examiner states that it would have been obvious to do so to provide a home network with reliable data transmitting/receiving over fading wireless internet communication channels. However, claim 2 calls for a transmitter for transmitting non-telephone data packets over a non-dedicated local area network channel rather than over an internet communication channel, the transmitter comprising an encoder, and interleaver and a modulator.

Furthermore, the Applicant submits that it would not have been obvious to one skilled in the art to modify the gateway 13 of Edson with the teachings of Lewis to provide reliable data transmission over any sort of channel given the stated purpose of Edson. As disclosed in column 2, lines 64-66, the gateway 13 of Edson is designed to fill "a need... for a home network product

Appln No. 10/628,675

Response date July 20, 2005

Reply to Office action of April 20, 2005

that provides a simple common interface usable by a wide range of systems and appliances within the premises." If one were to modify the gateway 13 of Edson with the transmitter/receiver of Lewis as suggested by the Examiner, at least two separate and distinct interfaces would now be needed to allow the gateway 13 to communicate with the range of devices shown in Fig. 1 attached to the gateway 13. The telephone 32, for instance communicates using the POTS protocol and would be incompatible with the encoder, interleaver and modulator 20-24 shown as component parts of the transmitter 12 of Fig. 1 of Lewis. Therefore at least one interface on the gateway 13 would be needed for unprocessed data sent to and received from at least the telephone 32 if not other devices, and another separate interface would be needed for devices making use of the components of system 10 of Lewis incorporated into the gateway 13. Thus the gateway 13 of Edson would no longer be either of a simple interface or a common interface as called for in column 2, lines 64-66 of Edson. Accordingly, because a combination of Edson and Lewis in the manner suggested would frustrate the stated purpose of Edson, Applicant submits that Edson teaches away from such a combination, and therefore that the invention as claimed in Claim 2 is neither taught, described or suggested in Lewis, even in view of Edson.

Furthermore, as disclosed in column 6, lines 51-54 of Edson, "The gateway 13 provides a routing functionality between the wide area links and the interfaces to one or more internal media, shown for example at 21 and 23. The interfacing between the links and the routing function effectively provide all

Appln No. 10/628,675

Response date July 20, 2005

Reply to Office action of April 20, 2005

devices coupled to the internal media to communicate via any of the external networks." (emphasis added). As stated above, claim 2 calls for a transmitter coupled to a non-dedicated local area network channel for transmitting non-telephone data packets over the channel, and is not designed for interfacing internal media with external networks.

Even if the gateway 13 of Edson were used to communicate between media on the network 21 and the network 23 for example, it would still not be obvious to modify the gateway 13 with the transmitter/receiver of Lewis, given that the gateway 13 is situated at the midpoint rather than at the endpoints of the communication path. As such, a data packet sent from the TV 42 to the audio system component 31 would have to travel along the power line 23 shown in Fig. 1 before being able to be processed according to the transmitter-receiver of Lewis at the gateway 13 were Lewis and Edson to be combined as the Examiner has suggested. Likewise a packet sent in the opposite direction from the audio system component 31 to the TV 42 would have to similarly travel along the twisted pair line 21 before reaching the gateway 13. Thus it would not be obvious to one skilled in the art to modify the gateway 13 with the transmitter/receiver of Lewis to facilitate this transmission. Accordingly, because there is no motivation to combine the gateway 13 of Edson with the transmitter/receiver of Lewis, the Applicant submits that the invention as claimed in Claim 2 is neither taught, described or suggested in Lewis, even in view of Edson.

Applicant therefore submits that Claim 2 is not unpatentable over Lewis in view of Edson. Claims 3-8 are

Appln No. 10/628,675

Response date July 20, 2005

Reply to Office action of April 20, 2005

dependent on Claim 2. As such, Claims 3-8 are believed allowable based upon Claim 2 and for the additional limitations contained therein.

Claim 9 calls for in part, a receiver coupled to a non-dedicated local area network channel for receiving modulated interleaved encoded non-telephone data packets from the channel, the receiver comprising a demodulator, a deinterleaver and a decoder. Because as described above, Edson teaches away from a combination of the gateway 13 with the transmitter/receiver of Lewis, and because there is no motivation to combine the gateway 13 of Edson with the transmitter/receiver of Lewis, the Applicant submits that the invention as claimed in Claim 9 is neither taught, described or suggested in Lewis, even in view of Edson. Claims 10-15 are dependent on Claim 9. As such, Claims 10-15 are believed allowable based upon Claim 9 and for the additional limitations contained therein.

Claim 16 calls for in part, a communications circuit for use with a computer for transmitting non-telephone data packets over a non-dedicated local area network channel, and including an intrapacket encoder and controller chip. Because as described above, Edson teaches away from a combination of the gateway 13 with the transmitter/receiver of Lewis, and because there is no motivation to combine the gateway 13 of Edson with the transmitter/receiver of Lewis, the Applicant submits that the invention as claimed in Claim 16 is neither taught, described or suggested in Lewis, even in view of Edson. Claims

Appln No. 10/628,675

Response date July 20, 2005

Reply to Office action of April 20, 2005

17-23 are dependent on Claim 16. As such, Claims 17-23 are believed allowable based upon Claim 16 and for the additional limitations contained therein.

Claim 24 calls for in part, a communications circuit for use with a computer for receiving modulated encoded interleaved non-telephone data packets from a non-dedicated local area network channel and processing these packets, and including and including a controller chip and an intrapacket decoder. Because as described above, Edson teaches away from a combination of the gateway 13 with the transmitter/receiver of Lewis, and because there is no motivation to combine the gateway 13 of Edson with the transmitter/receiver of Lewis, the Applicant submits that the invention as claimed in Claim 24 is neither taught, described or suggested in Lewis, even in view of Edson. Claims 25-31 are dependent on Claim 24. As such, Claims 25-31 are believed allowable based upon Claim 24 and for the additional limitations contained therein.

Accordingly, in view of the above remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration of the above Application is requested. Should there be any further issues that can be addressed by telephone, Applicants invites the Examiner to contact the undersigned at the number indicated below.

Appln No. 10/628,675

Response date July 20, 2005

Reply to Office action of April 20, 2005

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By Colin Dorrian

Colin Dorrian

Reg. No. 54,658

626/795-9900

CTD/ctd

CTD PAS622995.1-* -07/3/05 5:16 PM